



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
230 SOUTH DEARBORN ST  
CHICAGO, ILLINOIS 60604

OCT 4 6 1985

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



247089

Ann C. Tighe, Esq.  
Cotsirilos & Crowley, Ltd.  
33 North Dearborn Street  
Chicago, Illinois 60602

Re: U.S. Scrap  
Chicago, Illinois

Dear Ms. Tighe:

In an October 9, 1985 telephone conversation, I provided notice to you, in your capacity as counsel for Mr. Steve Martell, of an additional removal action at the above-referenced site. The substance of the notice was as follows:

This constitutes a verbal notification that the United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances pollutants or contaminants into the environment at the U.S. Scrap site which may present an imminent and substantial danger to the public health or the welfare or the environment. U.S. EPA will spend public funds to prevent or mitigate danger to the public health, welfare or the environment posed by the LDI site unless it determines that action will be taken by a responsible party to properly prevent or mitigate the danger. U.S. EPA's authority to spend public funds is provided in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9604 (CERCLA). Responsible parties under CERCLA include the current and past owner or operator, and persons who generated the substances or were involved in transport, treatment, or disposal of them at the site. Under Section 107 of CERCLA, responsible parties may be liable for funds expended by U.S. EPA to take necessary corrective action at the site, and enforcement. Based on state, local and Federal records, U.S. EPA has information which indicates that Mr. Martell is a responsible party.

Before U.S. EPA undertakes any activities at the U.S. Scrap site, please inform us if Mr. Martell will voluntarily perform the necessary work. Pursuant to Section 300.65 of the National Contingency Plan, U.S. EPA has determined that

the drums buried in the railroad embankment must be excavated and proper disposal of the drums must be performed.

The foregoing work must be conducted in accordance with applicable state and Federal law. Other corrective measures may be necessary following implementation of the specified work.

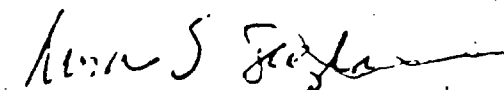
You should verbally notify U.S. EPA by 5 p.m. on October 10, 1985, of the nature, extent and timing of the activities you are willing to undertake. If we have not heard from you by this time, we will assume that you decline to undertake the corrective measures at the site. Your verbal response should be made to me, Lisa S. Seglin, Assistant Regional Counsel, at (312) 886-6838 or to Briand Wu, On Scene Coordinator, at (312) 886-6246.

This letter confirms the above oral notice and reiterates Mr. Martell's responsibilities under CERCLA. This letter also confirms that you informed me during our telephone conversation that Mr. Martell declined to take the required response action.

Pursuant to Section 104 of CERCLA, U.S. EPA is authorized to undertake emergency and remedial action or other appropriate response measures deemed necessary to protect public health or welfare or the environment, unless such action will be done properly by an owner, operator or other responsible party. U.S. EPA is undertaking emergency action at the U.S. Scrap site, and U.S. EPA has determined that Mr. Martell may be a potentially responsible party with respect to that site. As a potentially responsible party, Mr. Martell may be liable for the emergency response costs and future remedial costs incurred by the government in taking corrective action at the U.S. Scrap site.

If you have any questions concerning this matter please do not hesitate to contact me.

Very truly yours,



Lisa S. Seglin  
Assistant Regional Counsel